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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,696	12/05/2001	Daniel F. Bischof	F-5801	7252

7590 04/08/2003

Michael C. Mayo
Baxter Healthcare Corporation
Fenwal Division, RLP-30
P.O. Box 490 - Route 120 & Wilson Road
Round Lake, IL 60073

EXAMINER

SAUCIER, SANDRA E

ART UNIT	PAPER NUMBER
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1651

DATE MAILED: 04/08/2003

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
10/004,696

Applicant(s)
Bischof et al.

Examiner
Sandra Saucier

Art Unit
1651



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Feb 12, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above, claim(s) 11-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on Dec 5, 2001 is/are a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4 6) ☐ Other:

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DETAILED ACTION

Claims 1-24 are pending. Claims 1-10 are considered on the merits. Claims 11-24 are withdrawn from consideration as being drawn to a non-elected invention.

Election/Restriction

Applicant's election of Group I in Paper No. 6 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

INDEFINITE

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 provides for a synthetic medium container, but it is not required to contain any medium. Thus, the claim is incomplete.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action: A person shall be entitled to a patent unless (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent, (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 5,965,349 [6].

The claims are directed to a method for preparing a blood product comprising:
providing a container system with at least two containers, an interim container and a synthetic medium container, connected to each other,
providing a source container with a blood component or blood,
connecting the source container to the container system,
transferring the blood or blood component to the interim container,

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combining the blood or blood component with synthetic medium.

The references are relied upon as explained below.

US 5,965,349 discloses a method of preparing a blood product comprising:
providing a container system with at least two containers, a storage container and a synthetic medium container (Fig 12B, 300),
providing a source container with a platelet concentrate (plasma and platelets) (202),
connecting the platelet concentrate container to the container system,
combining the platelet concentrate with synthetic medium.

The connections are sterile and the amount of medium/platelet concentrate is predetermined.

Claims 1, 3-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by WO 90/00059 [N].

The claims have been discussed above.

WO 90/00059 discloses a method of preparing blood components comprising:
providing a container system with at least two containers, a storage container and a synthetic medium container,
providing a source container contain blood,
spinning the source container to sediment red cells, creating a buffy coat layer and plasma in an upper layer,
connecting the source container to the container system,
transferring the platelets to another container in the container system, and
combining the platelets with a synthetic medium.
See Figs. 1-5.

Claims 1, 2, 5-10 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by US 5,769,839 [A].

US 5,769,839 discloses a method of preparing red cells comprising:
providing a container system with at least two containers, an interim container

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and a synthetic medium container, connected to each other, providing a source container with red blood cell concentrate, connecting the source container to the container system, transferring the red blood cell concentrate to the interim container, combining the red blood cell concentrate with synthetic medium.

See Figure 1 and col. 5, ls. 66-67 and col. 6, ls 1-2. Bag 108 can be termed the interim container, bag 106 can be termed the synthetic medium container, bag 102 can be termed the source container. Red cells from bag 102 are introduced into bag 108 and synthetic medium from bag 106 is introduced into bag 108.

To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Group Art Unit 1651. The supervisor for 1651 is M. Wityshyn, (703) 308-4743. The normal work schedule for Examiner Saucier is 8:30 AM to 5:00 PM Monday and Tuesday and 8:30 AM to noon on Wednesday.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra Saucier whose telephone number is (703) 308-1084. **Status inquiries must be directed to the Customer Service Desk at (703) 308-0197 or (703)-308-0198.** The number of the Fax Center for the faxing of official papers is (703) 872-9306 or for after finals (703) 872-9307.



Sandra Saucier
Primary Examiner
Art Unit 1651
April 4, 2003